FOR MYSORE STATE

Home (195 3) Department.

Ms. SERIES.

G.O. No. 2799

Dated 2/9/1953.

[Despatch Abstract.]

Public Services - Prosecuting staff - South Kanara District Agricultural and Industrial Bank Fraud Case relating to Cr.No.55/50 of Coondapur Police Station - Conduct of prosecution - One temporary Additional Assistant Public Prosecutor Grade II and one peon - Sanctioned.

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Abstract.

COURTS - Criminal - South Kanara district - Trial of Agricultural and Industrial Bank Fraud Case - Crime No. 55/50 of Coondapur Police Station - Appointment of one Special First Class Magistrate and staff - Sanctioned.

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HOME DEPARTMENT

G.O. Ms. No. 2584 Dated 12th August, 1953.

READ the following:-

(1) From the District Magistrate, South Kanara, Ref.C.3. 4900/53 (2) dated 3.7.1953.
(2) From the Board of Revenue, Ref.M. 4373/53-1 dated 25th July, 1953.
(3) From the High Court, Roc.No.4339/53-E.2. dated 5.8.1953

ORDER:

The Government sanction the employment for a period of three months from the date of appointment or till the need ceases whichever is earlier, of the following temporary staff in the South Kanara district in connection with the trial of the Agricultural and Industrial Bank Fraud case (Crime No.55/50 of Coondapur Police Station):-

(1) One Special First Class Magistrate (in the grade of a Deputy Collector)
(2) one lower division clerk
(3) one typist
(4) one attender; and
(5) two peons

2. The expenditure should be debited to the relevant sub-heads of appropriation under "27. Administration of Justice-h. Criminal Courts."

3. The Board of Revenue is requested to submit proposals to the Government in the Revenue Department for the posting of a Deputy Collector as Special First Class Magistrate sanctioned in para 1 above.

4. Orders regarding the supply of a typewriter to the Special First Class Magistrate's court will issue separately.

(By order of the Governor of Madras)

J. Subbuswamy,
Deputy Secretary to Government.

To

The Registrar, High Court, Madras.
The Board of Revenue (Land Revenue) Madras.
The District Magistrate, South Kanara.
The Accountant General, Madras through the Finance Department.
Duplicate copy to the Accountant General, Madras by name.
Copy to the Revenue Department.
Homecourt (1)

True Copy/Forwarded/By order

SUPERINTENDENT

ks.12.8.

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HOME DEPARTMENT.

G.O.Ms.No. 2799 dated 2-9-53.

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Public Services - Prosecuting staff - South Kanara Dt. - Agricultural and Industrial Bank Fraud Case relating to Cr.No. 55/50 of Coodapur Police Station - Conduct of prosecution - One temporary Addl. A.P.P. Grade II and one peon - Sanctioned.

Read:

From the Collr. of South Kanara, Ref.C3.4899-53(2), d/ 3-7-53.
G.O.Ms.No. 2584, Home, d/ 12-8-53.

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O R D E R:

The Govt. sanction the employment in the South Kanara Dist. for a period of three months from the date of appointment or till the need ceases whichever is earlier, of a temporary Addl. Asst. Public Prosecutor, Grade II and a peon to work under him in connection with the conduct of prosecution of the Agricultural and Industrial Bank Fraud case in Crime No. 55/50 of Coondapur Police Station before the Special First Class Magistrate sanctioned in G.O.Ms.No. 2584, Home, d/ 12-8-53.

2. The expenditure should be debited to the relevant sub heads under "27. Administration of Justice - h. Criminal Courts - Voted."

3. The Govt. are not convinced of the need for the employment of an A.P.P. of the first Grade for this case.

To

The Collr. of South Kanara.
The I.G. of Police, Madras.
The Regr., High Court, Madras.
The A.G., Madras thro' Fin. Dept.

S.F.

(C.No. 141089 Cts.III/53)

HOME DEPARTMENT.

Public Services - Prosecuting staff - South Kanara Dist. - Temporary Asst. Public Prosecutor, Grade I to conduct prosecution in Cr.No. 55/50 of Coondapur Police Station - Sanction.

From the Collr. of South Kanara,
Ref.C3.4899/53-12, d/ 3-7-53.
(Issued as G.O.Ms.No. 2584, Home, d/ 12-8-53)

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In G.O.Ms. No. 2584, Home, d/ 12-8-1953 sanction was accorded for the employment of a special First Class Magistrate in South Kanara Dist. for a period of three months with the necessary staff in connection with the trial of the Agricultural and Industrial Bank Fraud case in Cr.No. 55/50 of Coondapur Police Station.

2. It is stated by the Collr. of South Kanara that the Superintendent of Police, Crime Branch, C.I.D., Madras has reported to him that a special Public Prosecutor is necessary to conduct prosecution of the case referred to in para 1 above as the prosecutor has to devote entire and continuous attention to this case. The Collr. of South Kanara considers that the appointment of an Asst. Public Prosecutor Grade I will be sufficient and he requests that one post of Asst. Public Prosecutor, Grade I and a peon may be sanctioned for a period of six months from the date of appointment or till the case is disposed of whichever is earlier.

3. In view of the fact that a Special Court has since been sanctioned for the trial of the case and in view of 'A' above, the need for the creation of an additional post of an A.P.P. to conduct the prosecution of the case in question may be agreed to. For orders.

4. As the Magistrate's Court has been sanctioned for a period of three months, the post of Addl. A.P.P. may also be sanctioned for the same period i.e. three

months only instead of six months as requested by the Collr. For orders.

5 As regards the grade in which the addl. post is to be sanctioned the following may be noted:-

The Collr. has not furnished any reasons except that a Special A.P.P. Grade I is required for the conduct of the prosecution of the case.

In G.O.Ms.No. 1271, Home, d/ 17-4-53 and G.O.Ms.No. 673, Home, d/ 21-2-1952 sanction was accorded in Kurnool and Coimbatore Districts respectively for the employment of Addl. A.P.P., Grade II for the conduct of prosecution in the cases relating to Allagadda Police Station and Uthiyoor Police station though the Collectors concerned recommended the creation of a post of A.P.P. Grade I.

Generally prosecutions in difficult or important cases should be personally conducted by A.P.P. Grade I. The Collr. has not stated that the case in question is complicated or it involves important questions of law. The Supdt. Crime Branch, C.I.D.merely asks for a Special Public Prosecutor to conduct the case in question but does not ask for an A.P.P. Grade I. In the circumstances it seems that an Addl. A.P.P. Grade II alone may be sufficient for the conduct of the case in question. As each A.P.P. is entitled to a peon, one peon may also be sanctioned to work under the A.P.P. If this is agreed to extra cost comes to Rs. 780/- for three months. For orders.

Subject to orders a draft order is submitted for approval. The file may be sent to Finance for remarks.

25/8/53

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT

Home 141089 dt. III/53-1
26/8/53

Finance (E1) Dept

The notes of the Home Dept on pp 1-2 above may be perused. In the circumstances explained therein, the proposal of the Home dept to sanction the employment of one additional Asst Public Prosecutor Grade II and a peon may be agreed to in this dept. The extra cost involved is about Rs 780 for 3 months non-recurring.

The draft order below may be accepted

8/27/8/53. 27/8/53

28/8/53 Home

Home Dept

The draft order below may issue

1.9.53

29/8/53

29/8/53

(Issued as G.O.Ms. No. 2799, Home dt 2.9.53)

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ASST SECRETARY TO GOVERNMENT 2 SEP 1953 HOME DEPARTMENT

Finance no 68054/E1/53-1 dt 29/8/53

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29/8/53